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U.S. House of Representatives
Committee on Foreign Affairs
Subcommittee on Asia and the Pacific
Hearing on Burma:

“Piercing Burma’s Veil of Secrecy: The Truth Behind the Sham Election and the Difficult Road Ahead”
June 22, 2011
12:30 PM, Rayburn House Office Building Room 2172

Testimony of Aung Din
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UNCHANGED BURMA

Mr. Chairman, Ranking Member Faleomavaega and Members of the Subcommittee,

Thank you very much for holding this hearing. Today, the world is paying great attention to the events unfolding in the Middle East and North Africa. Courageous peoples in Egypt, Libya, Bahrain, Syria, Yemen, and Tunisia, are writing their own history as they challenge their respective authoritative regimes to demand freedom and justice. However the struggle for freedom does not come without a high price. We see the killing, torture, and arbitrary arrests of many of these innocent protesters. Yet hope remains. Egyptians and Tunisians have successfully toppled their decades-old dictatorships. While I am very much inspired and encouraged by the scenes of people in Egypt and Tunisia rejoicing and celebrating their newfound freedom, I cannot help but feel disheartened for the people of my country, Burma.

For decades, the people of Burma have been living under successive brutal military dictatorships that only change hands and now their fashion but not their mindset or action. For decades, my people have been trying to bring about change through peaceful means, only to be brutalized and terrorized by the dictatorial regime that places zero value on the life of a human being. Nonetheless, they never shy away from the beatings or threats of life-long incarcerations. They do not fear bullets or batons. The regime’s ruthless killing is not able to destroy their freedom loving spirit. However we continue to see ongoing oppression and the possibilities of a future for our country mired in corruption and state-sponsored

violence.

One thing the regime in Burma has perfected over the years is the ability to be ever more cunning, brutal and exploitative to defuse and divert international pressure against them. It has made friends with other like-minded countries including China, Russia, North Korea and Cuba and even democracies like India. The Burmese regime knows well how to buy friends, how to use them to shield itself from international pressure, and how to manipulate the already-divided international community. The latest trick made by the regime, convening elections in November 2010, and forming a new government and the Parliament in early 2011, is again misleading the international community to holdout false hope that genuine change might be coming to Burma.

The hearing today cannot be held at a better time. In my testimony, I will expose the truth behind the sham elections of November 2010, the true colors of the so-called civilian government in Burma and the unabated humanitarian crisis within our ethnic minority populations. I also hope that today's hearing will be able to convey a sense of urgency to President Obama and Secretary Clinton that they must renew their efforts and take the lead on helping the people of Burma reclaim their freedom.

THINGS THAT CHANGED

There have been some changes in Burma recently. The military regime, previously known as the State Peace and Development Council (SPDC), was officially dissolved. The paramount leaders of the regime, Senior General Than Shwe and Deputy-Senior General Maung Aye did not take any official positions within the new government structures. The so-called civilian government and bicameral parliaments were formed at the national level. 14 regional governments and parliaments were also formed in 7 States and 7 Regions. Over 30 political parties now stand and operate legally. One of the two Vice Presidents is of the Shan ethnic nationality. Several ethnic parties won a few seats in the National and Regional Parliaments. In November of last year, Burma's democracy leader Daw Aung San Suu Kyi was released from her house arrest after being detained for the last 7 ½ years. Meanwhile her political party, the National League for Democracy (NLD), that won a landslide victory in the 1990 election, found that it has been stripped of its legal status for its refusal to participate in the regime's sham election, as did several ethnic political parties who also won seats in the 1990 election.

THINGS LEFT UNCHANGED

Let me start with the Parliament. Before the election in November 2010, Senior General Than Shwe transformed his mass organization, the Union Solidarity and Development Association (USDA), into a political party. The USDA was the regime-back militant group, similar to Hitler's brown shirts, and used by Than Shwe to carry out attacks on democracy activists. In May 30, 2003, they made an assassination attempt against Daw Aung San Suu Kyi in Depayin in Middle Burma during her organizational trip, in which scores of NLD members were brutally killed and tortured. Prime Minister General Thein Sein and other military generals retired from their military posts in exchange for civilian dress, and became heads of the Union Solidarity and Development Party (USDP), and contested in the election. Then the USDP claimed that it won about 60% of the 75% of the contested seats, meaning only a small number of seats went to minority parties. The 2008 Constitution grants the Commander-in-Chief the authority to appoint military officials to 25% of the seats in the Parliaments uncontested. Now, the military and USDP together effectively control 85% of seats in the Parliaments at national and regional levels. The minority

MPs stand no chance to raise their voice, let alone make legislation or amend the Constitution.

Let's look at the Government. USDP leader and former SPDC Prime Minister, Thein Sein is now the President of Burma. Among the 31 members of his cabinet, there are 3 active duty generals appointed by the Commander-in-Chief, 23 former military officials who are from the USDP party, 2 crony businessmen with close ties to the generals, and only 2 pure civilians. The three generals appointed by the Commander-in-Chief hold key security and administrative positions, the Ministry of Defense, Ministry of Border Areas Affairs, and Ministry of Home Affairs. Although a division of power does exist in theory between the regional governments in States and Regions, the Ministry of Home Affairs is the one that effectively run all levels of domestic administration through the Village and Block Administrators, Township Administrators, District Administrators, and State and Region Administrators, which are all staff members of the General Service Administration (GSA) under the Ministry of Home Affairs.

Let me touch on the judiciary system, the Supreme Court and other Courts. All the justices and judges are appointed by the President, and the President can terminate them at anytime. Therefore they all serve at the pleasure of the President. Furthermore, military personnel cannot be tried in civilian courts, but only in military courts, which must be convened by the Commander-in-Chief whose decision will be the final word. The Constitution also already granted amnesty to all members of the SPDC and the military for all prior acts they committed.

There is a body more powerful than the Parliament, the Government and the Courts. It is called the National Defense and Security Council (NDSC). Similar to the Central Military Commission in China, it stands above and controls all branches of the government. The NDSC is chaired by the President and includes ten members, the two Vice Presidents, the two Chairmen of the Lower House and Upper House, the Commander-in-Chief and his Deputy, and the Ministers for Foreign Affairs, Defense, Border Areas Affairs and Home Affairs. The NDSC manages all the country's affairs and it can authorize the Commander-in-Chief to declare state of emergency. During the state of emergency, the Commander-in-Chief holds all the powers to run the country under martial law. Because at least 6 of the 11 members of the NDSC are the Commander-in-Chief and his appointees, he holds the supreme power and can legally stage a coup at anytime he deems fit under the constitution.

Given these perspectives, I do not see any changes to civilian rule in my country. The military still holds the power to run the country but under a different guise. Over the last 20 years, the military ruled Burma under successive decrees, laws and orders to control the population. Now, the country is ruled by two kinds of boots – one belonging to the military led by active duty generals, and the other led by its proxy party, USDP, led by retired generals. The 2008 Constitution, which was tailored to the needs of the generals to legalize their consolidation of power in the hands of the Commander-in-Chief and the military, is their platform to claim legitimacy, to pretend that they are a constitutional government, and to rule the country for generations to come. This is what they called, "Disciplined-Flourishing Democracy" looks like, and I believe it is not in accordance with the desires and the needs of the people of Burma.

On May 11, 2011, Daw Aung San Suu Kyi said in her interview with a German media outlet (DW-TV) that, I quote, "I know there have been elections but the government that has taken over since the elections are the same as those who were in place before the elections", unquote. She also said that "until

political prisoners have been released, and until we are all allowed to take part in the political process in the country, I do not think we can call it real change.”¹

UNCHANGED NUMBERS

There are many things left unchanged in Burma today. Almost all of the generals who have held power over the last twenty years are still doing so under the veneer of civilian rule. There are still more than 2,000 political prisoners, who are being incarcerated in prisons for many years for their belief in democracy. There are still more than two million refugees and illegal immigrants in neighboring countries who are forced to flee Burma to avoid political, ethnic and religious persecutions as well as economic hardship. There are still about a half million ethnic people who are hiding in jungles and mountains to avoid being killed by Burmese soldiers. More than 3,700 villages have been destroyed or burned down by the regime between 1995 and 2010 in its decades-old military campaign against ethnic minorities. There are still tens of thousands of child soldiers within the Burmese Army. Basic freedoms such as the freedom of press, freedom of associations, freedom of religion and Internet freedom are still restricted. People are not allowed to express their opinion without the risk of arrest, torture and imprisonment. The gap in the country between the powerful and the powerless, the rich and the poor, the privileged and the disenfranchised continues wider, unattended, and unabated. Burma has not changed at all.

THINGS THAT ARE GETTING WORSE

Now, let me turn into the things that are getting worse. I would like to highlight two major issues that are now making Burma more dangerous, unstable, unmanageable, and a serious threat to the security of the international community. The first one is the widespread and egregious human rights abuses perpetrated by the authorities and crony businesspersons against ordinary citizens of Burma. The second is the escalation of civil war, one of the world's longest, between the regime and ethnic resistance forces.

CRONY DICTATORS NEW CLASS

In Foreign Policy Magazine, Graeme Robertson wrote that “dictatorships don't just run themselves”. He said “performing the basic tasks expected of even a despotic government -- establishing order, levying taxes, controlling borders, and overseeing the economy -- requires the cooperation of a whole range of players: businessmen, bureaucrats, leaders of labor unions and political parties, and, of course, specialists in coercion like the military and security forces. And keeping them all happy and working together isn't any easier for a dictator than it is for a democrat.”² As he correctly puts it, the dictators in Burma, the military and its proxy party, USDP, do not run the country themselves alone. They are fully supported by business cronies who are allowed to control over entire sectors of the country's economy, trade, and natural resources in exchange for allegiance and wealth-sharing with the generals. They are like Ruhr industrialist Fritz Thyssen, who supported and funded Hitler and his Nazi party in Germany

¹ No “Meaningful Change” in Myanmar: Suu Kyi: AFP, May 12, 2011, http://news.yahoo.com/s/afp/20110511/wl_asia_afp/myanmarpolitics_20110511223232

² Think Again: Dictators, by Graeme Robertson, Foreign Policy May/June 2011, Page 36 http://www.foreignpolicy.com/articles/2011/04/25/think_again_dictators

before the Second World War.³

While millions of people in Burma are struggling hard to make ends meet on a daily basis, fighting to keep above the bare minimum, there has been an emergence of a new class in Burma comprised of a group of super millionaires who are all family members and business associates of the generals in power. They control the country's domestic and international trade. They are allowed to run banks, financial institutions and business corporations, from construction to mining, from garment factories to plantations, from shopping centers to media outlets. They are allowed to exploit natural resources. They receive government contracts for lucrative projects without bidding. Family members of the generals serve on their boards with huge salaries and attractive remuneration. They also act as arms dealers to help the regime acquire modern weapons, such as fighter jets, bombers, tanks, helicopters, missiles, from foreign countries to strengthen its oppressive machine. They are also major suppliers of luxury items, such as expensive cars, gold bars, upscale condominiums, diamonds, hard currencies, and overseas vacations to the generals. In August 2010, a prominent Burmese economist Dr. Maung Myint said that "as long as the government and its cronies are controlling the country's economy we will face the same economic situation even in the year 3010".⁴

Some crony businesspersons are recruited to become leaders of USDP and Members of Parliament. Although the United States has rightfully imposed targeted financial sanctions on some cronies since 2007, they are now ever wealthier. They have become more powerful than local authorities and some of them even own private militias, soccer fields, and professional soccer clubs with foreign professional soccer players. They were allowed to purchase state-owned enterprises and buildings in Rangoon with discounted prices under the regime's privatization scheme just before the election.⁵ Dr. Maung Myint said that such a transfer can lead to "pocketization" instead of "privatization".⁶

Backed by the authorities, these cronies have confiscated land belonging to farmers throughout the country. Let me state a few examples. The Yuzana Company, owned by one of the regime's cronies U Htay Myint, has been forcibly seizing over 200,000 acres of land from local farmers in the Hukawng Valley, Tanai Township in Kachin State since 2006. Local authorities aided him to seize these lands without compensation for the farmers and the company-owned militias destroyed villages, which refused to relocate. Hundreds of thousands of acres of forest and farmland in the Valley were destroyed to accommodate his plan to construct sugar cane and cassava plantations. Not to mention, thousands of people lost their land, their villages and their livelihood. Hundreds of farmers tried to sue U Htay Myint in the District court, but their complaints were rejected by the judge.⁷ U Htay Myint, who is listed on the targeted sanctions roster imposed by the United States, is now a leader of the USDP and a Member of Parliament in the Lower House.

In 2007, at least 15,000 villagers were forced to move out from their villages by the authorities for the Myitsone Dam Construction Project and Myitsone Hydropower Project, about 27 miles away from Myitkyina, Kachin State. These projects were constructed by the Asia World Company, owned by a

³ Book Review: German Big Business and the Rise of Hitler, by Henry Ashby Turner, Jr, reviewed by John M. Ries, http://www.ihr.org/jhr/v08/v08p369_Ries.html

⁴ "Burma's Economy Stalled under Junta, Cronies"; by Myo Maung, The Irrawaddy, August 20, 2010

⁵ "Corporate Junta" by Jerry Guo, Newsweek, November 15, 2010

⁶ "Burma's Economy Stalled under Junta, Cronies", by Myo Maung, The Irrawaddy, August 20, 2010

⁷ "Kachin Court Clears Yuzana Tycoon", Democratic Voice of Burma, October 13, 2010, <http://www.dvb.no/news/kachin-court-clears-yuzana-tycoon/12212>

known drug-trafficker Steven Law, another crony under U.S. financial sanctions, jointly with the China Power Investment Corporation (CPI).⁸

Meanwhile, farmers in Kyaikmayaw Township in Mon State are worried about further land confiscations in the area after nearly 600 acres of land were confiscated by the Zay Gabar Company, owned by a business tycoon Khin Shwe, who is also enlisted under the U.S. targeted financial sanctions. He is building the largest cement factory in Burma on these lands. In a phone interview with The Irrawaddy on February 21, 2011, he indicated that about 200 acres, which bordered the roads in and out of the projected cement factory, will need to be listed for seizure.⁹

These are just a few examples of forced land seizure, abuse of power, cronyism and nepotism in Burma. In short, millions of people of Burma are being abused not only by the authorities, but also by the business cronies who now constitute the second most powerful class in Burma just under the ruling regime.

INTENSIFYING CIVIL WARS

Burma is one of the countries with the oldest and longest ongoing civil war, since 1948. There are eight major ethnic nationalities, and several dozens of races in Burma. In the past centuries, all major ethnic groups were independent with their own territory, culture, language, history, and significant population size. After the Second World War, as organized by our national leader U Aung San, who promised them that an independent Burma would be built on the idea of a Federal Republic, in which all ethnic nationalities would share equal rights and opportunities; they joined hands with the Burman majority to gain independence from the British in 1948. However, U Aung San was assassinated a few months before Burma gained independence and the leaders who succeeded him afterwards did not keep his promises. As the ethnic groups began to receive discriminatory treatment by the Burman leaders and their rights restricted under the unitary system, they took up arms and ever since have been fighting against the Burman leaders. Instead of giving them the rights they deserve or resolving the disputes peacefully through political discussion, the Burmese regime is now using the 2008 Constitution to permanently make ethnic minorities subordinates of the Burman majority. On paper, all ethnic nationalities are superficially granted their own states, own governments, own parliaments, and even their own power. On the ground, the reality could not be more different.

The Constitution established State Parliaments and State Governments in seven ethnic states. However, the constitution grants the President the power to appoint the State Prime Ministers and their cabinet members. All the President-appointed State Prime Ministers are from the USDP. The Commander-in-Chief appoints military officials to hold key positions of the Security and Border Affairs in the State Governments in addition to the 25% of seats in the State Parliaments. The regime's proxy party, the USDP controls the majority seats in all State Parliaments. The President appoints judges to run the judiciary system at the State level. This has resulted in a situation where the ethnic nationalities have no chance to choose their leaders, to run their own judiciary system, or to legislate any law without the

⁸ "Yarza Company to Seize Land for Liquor Factory", Kachin News Group, March 3, 2011, <http://www.kachinnews.com/news/1898-yazar-company-to-seize-land-for-liquor-factory.html>

⁹ "Farmers Fear More Land Seizures", by Ko Htwe, The Irrawaddy, February 22, 2011, http://irrawaddy.org/article.php?art_id=20802

approval of the military officials and USDP MPs. In fact they cannot rule their states. The Burmese military continues to assert its control over the ethnic states and administer over every aspect of their daily lives.

This poses multiple threats to regional stability in Burma. Since 1989, more than a dozen ethnic armed groups have entered into ceasefire agreements with the regime, expecting political discussion to be the next step. However, no such discussions materialized. Instead the regime allowed them to attend the national convention and submit their demands, all of which the regime rejected. Now, the regime is forcing them to disarm almost all of their troops and transform the rest into border guard forces, which will be placed solely under the command of the Burmese Army. Most major ethnic armed forces refused these terms, thereby breaching their existing ceasefire agreement. Since the elections on November 7, 2010, major fighting between the regime's troops and ethnic armed groups has repeatedly occurred in several ethnic states, including Karen, Karenni, Shan, and Kachin. The Karen National Union (KNU), one of the largest ethnic armed groups, said that between January and April this year, a total of 359 clashes have taken place in Southern Karen State between the Burmese army and a combined force of the KNU and Democratic Karen Buddhist Army (DKBA). In these battles, the KNU reported that six Karen rebels were killed, seven injured while 611 soldiers from the Burma army were killed and 848 injured.¹⁰

On March 13, 2011, Burma's army launched attacks against the Shan State Army (North) in Central Shan State. The regime deployed over 3,500 troops with heavy artilleries, including 120 MM Motors and Tanks, in the area controlled by SSA (North), and launched attacks on SSA (North) forces. Fierce fighting between the two groups has spread in many townships in Shan State, with 65 battles taking place in only three weeks in March. The Burma army's indiscriminate shelling of heavy artillery destroyed several villages, belonging to ordinary ethnic peoples. One Buddhist Monastery was destroyed by the shelling of the regime's troops at Wan Nam Lao village; four novices were killed and two villagers injured. Often times, the regime's troops would torture villagers who are accused of supporting the Shan resistance forces. For example, three Shan women were gang-raped by soldiers in a separate incident in Wan Nam Lao, including a 30-year old woman who had given birth only one month earlier, and died after being raped by the regime's soldiers.¹¹

On June 9, 2011, the regime troops have launched military offensives against the ethnic Kachin group, known as the Kachin Independent Army (KIA), which had been in a ceasefire agreement with the regime since 16 years ago. The regime's reason of attack is to secure and protect the constructions of dams and hydropower projects, the joint venture businesses of the regime and Chinese government, in the area controlled by the KIA. The KIA troops, stationed nearby Taping River where these hydropower projects are constructing, were asked by the regime to withdraw from the area. When the KIA refused to do so, the regime launched attacks, including indiscriminate shelling of thousands of motors and missiles, without distinguishing civilian villages and military targets. To avoid the damages of lives of ordinary citizens and Chinese technicians, the KIA troops abandoned their post in the area, but KIA Headquarters issued an order to all of its troops to launch a full scale defensive war against the regime troops. Battles continue to this day in many parts of Kachin State, and about twenty thousand ethnic people are now taking refuge at Laiza, Headquarters of KIA, jungles along the China-Burma border, and inside the Chinese territory. Thousands of people are forcibly recruited by the regime troops to carry

¹⁰ "Karen State Conflict Intensifies", The Irrawaddy, May 18, 2011, http://www.irrawaddy.org/article.php?art_id=21316

¹¹ "Press Release by Shan Community Based Organization", April 12, 2011

their military equipments, ammunitions, food supply and to be used as human minesweepers. Hundreds of private-owned vehicles are also forced to transport the regime troops. The Burmese regime has imposed a curfew order in some Townships in Kachin State, and some Kachin people, whom the regime thought as supporters of KIA, are arrested, tortured, and killed.

All ethnic armed groups want to resolve any political differences with the regime peacefully through a meaningful dialogue. However, the Burmese military has offered them only two options (1) to be subjugated, or (2) to be destroyed. For those who choose the former, they will be allowed to play a minor role in the State Governments and Parliaments and will enjoy economic incentives in exchange for their subordination. For those who choose the later, they will face total destruction by the Burmese military. The general populations in the ethnic states have become targets of the regime in its military campaign to destroy the ethnic forces through a notorious strategy known as “The Four Cuts”.

The regime considers the general population in the ethnic states as major providers of four sources of basic subsistence for the ethnic rebellions - news, funds, food and recruits. By cutting these four sources, the ethnic resistance groups will not be able to survive. The first step of the Four Cuts strategy is deploying tens of thousands of troops into the ethnic minority areas; the second step is isolating ethnic populations from the ethnic troops, and the third step is launching military offensives. These steps are employed ensuing some of worst forms of human rights abuses, amounting to crimes against humanity. When the regime deploys tens of thousands of troops in ethnic areas, they need new buildings and headquarters to station their troops, new roads to drive tanks, armored vehicles and military trucks, food to feed their troops, and porters to carry their equipment and ammunition. The local villagers become their free laborers. Lands are confiscated from the public to build military headquarters. Villagers are forced to build shelters and fences, roads and bridges, and carry the troops’ equipment and supplies. The International Labor Organization called it “Modern Day Slave Labor”. Those who are suspected of supporting the ethnic troops are brutally tortured and killed. The soldiers rape ethnic women and go on pillaging and looting village after village.

The second step involves relocation of the ethnic villagers away from ethnic forces. For these relocations, no compensation is made to the villagers who are forced to move to areas where they cannot make a living due to land structure or location. When the villagers are reluctant to leave their villages and plantations, the regime’s troops destroy or burn down villages and plant landmines around the already destroyed villages to prevent the villagers from returning. In Eastern Burma alone between 1995 and 2010, over 3,700 villages were destroyed. This is the simplest way for the regime to cut food, funds, news and recruits to the ethnic armed groups. But, it is done in the most brutal and inhumane way, cutting off the lifelines of hundreds of thousands of innocent lives and destroying not just their homes but also their homelands. Meanwhile, the use of forced labor worsens when the regime troops launch major offensives against the ethnic forces or when attacked by them. They force villagers to carry their equipment and supplies, walk in front of the troops to act as human minesweepers, and kill those who try to flee. Some academics estimate that over 130,000 people could die from both sides during the ongoing-armed conflicts in Burma.¹² However, I believe civilian casualties in this ongoing armed conflict are higher than that figure.

¹² “Death Tolls for the Major Wars and Atrocities in Twentieth Century”, Matthew White, <http://necrometrics.com/20c100k.htm#Bur48>

As the armed conflict between the regime and ethnic troops have intensified, more people will be abused, tortured and killed, more villages will be destroyed, more women and girls will be raped, more people will be used as forced laborers and human minesweepers, and more people will be forced to flee to refugee camps on the Thai-Burma border or hide in the jungles as internal displaced persons. These abuses amount to crimes against humanity”.

WHAT SHOULD THE UNITED STATES DO?

I have stated the things that changed, the things that not changed, and the situation on the ground that is exacerbating day by day. The United States must act now to help the people of Burma effectively. I support the current policy of the United States on Burma, using both carrot and stick through existing sanctions and direct engagement with the regime. However, we need a clear timeline and benchmarks placed within our policy to see any tangible improvements within Burma. We must also build our readiness and strength to respond to matters arising from Burma positively or negatively. Without such conditions, we will be giving the regime in Burma free reign to do whatever they wish and encourage them even more to ignore the calls from the international community.

I welcome the President Obama’s nomination of Derek Mitchell as the U.S. Special Representative and Policy Coordinator for Burma. Although this nomination is long overdue, it is the first step in the right direction. The next step should be about establishing a clear time frame and benchmarks. The U.S. engagement with the regime should not be open-ended. Benchmarks should be set, such as an immediate and unconditional release of all political prisoners, a peaceful ending of armed conflict with ethnic minorities, allowing all stakeholders in Burma, especially democracy leader Daw Aung San Suu Kyi, leaders of the 88 Generation Students group, and ethnic leaders, to participate in the country’s political process freely, and establishment of a meaningful political dialogue for national reconciliation and democratization. The U.S. Special Policy Coordinator should go to Burma and communicate such conditions and our plan of response.

Engagement with dictators can only be effective if we proffer to follow through on serious threats in the immediate future if the dictator is non-compliant. Dictators today are smarter and more cunning. They are the Machiavellis of the 21st century. They will listen to you only when they perceive you will follow through on tangible threats that can hurt them. Currently, the United States has placed a set of comprehensive sanctions on the regime. But the United States should be ready to increase these measures if there is no progress within the designated time frame. These actions include tightening and expanding targeted financial sanctions against the regime and its cronies, implementing banking sanctions, and an international investigation into war crimes and crimes against humanity in Burma.

The United States Congress imposed targeted financial and banking sanctions against the regime and its cronies in 2008 with the Tom Lantos Block Burmese JADE Act. However, a crucial part of the Law, additional banking sanctions that authorizes the Department of Treasury to “prohibit or impose conditions on the opening or maintaining in the United States of a correspondent account or payable-through account by any financial institution or financial agency that is organized under the laws of a State, territory, or possession of the United States, for or on behalf of a foreign banking institution if the Secretary determines that the account might be used— (A) by a foreign banking institution that holds property or an interest in property belonging to the SPDC or a person described in subsection (a)(1); or

(B) to conduct a transaction on behalf of the SPDC or a person described in subsection (a)(1).”¹³ has not been implemented yet. If implemented, this would be an effective threat to the regime and its cronies and foreign banks that manage their money.

UN Special Rapporteur on the situation of Human Rights in Burma, Mr. Tomas Ojea Quintana has recommended the United Nations since March 2010 to consider setting up a Commission of Inquiry to investigate possible war crimes and crimes against humanity in Burma. His recommendation is so far supported by 16 nations including the United States. Although there are some members of the United Nations that oppose such a measure, we believe that the United States’ leadership will make this Commission possible. This Commission will serve two purposes as (1) a preventive mechanism to stop further killings and abuses in Burma, and (2) a pressure mechanism to make the regime accept the idea of national dialogue for a peaceful national reconciliation. The United States should take a lead to create such a Commission.

MYTHS AND REALITIES

There are some factors that make policy makers reluctant to take decisive action on Burma. Let me address them.

Some argue that taking more drastic measures will push the regime toward reliance on China more than ever. They suggest that the United States should try to get influence on the regime by lifting sanctions. They want to make Burma one of U.S. allies in Asia, like Egypt under President Mubarak and Yemen under President Ali Abdullah Saleh.

I do not agree. The Soft approach and timeless engagement will not bring the regime back from China. They are mutually dependent on each other. The Burmese regime needs China for protection, financial assistance and supplies of weapons. The Chinese regime needs Burma for economic exploitation, natural resources, energy supplies, and its access to the Indian Ocean. Only when Burma is a democratic country, such an equation will change.

Some advocate that there is a regime change. Than Shwe is not technically in power anymore, and President Thein Sein is now talking about “good governance” and “clean government”. Some say Thein Sein deserves to have some time to implement the things he has promised. It looks like they easily forget about the lies he has told in the past.

Let me give you some examples of incidents that happened not too long ago. In 2008, then Prime Minister Thein Sein promised to the people of Burma and the world that the Constitutional Referendum would be conducted in a free and fair manner. The international community expected that the people of Burma would have a chance to express their opinion freely. However, the Referendum was a sham, held during the time of crisis when over 140,000 people were killed and millions more were devastated by Cyclone Nargis. In addition to vote rigging, buying, threatening, and cheating, as well as blocking international assistance to the cyclone victims, votes were counted by the Central Commission away from the public’s eyes. Then Thein Sein shamelessly declared that the 2008 Constitution was approved

¹³ Tom Lantos Block Burmese Jade Act of 2008, H.R. 3890, Section 5. Sanctions, (c) Authority for Additional Banking Sanctions

by over 92% of the votes. The international community expressed disappointment, but did nothing more.

Again, before the 2010 election, Thein Sein promised to the world that the elections would be free, fair and inclusive. But, a set of unfair electoral laws imposed by the regime effectively banned the National League for Democracy and other ethnic parties from participating in the elections. He changed his military uniform, led the USDP party with other recently-retired generals, and launched a dirty political campaign using state resources. The election was severely rigged, flawed, and not inclusive, and international observers and media were not allowed to monitor. Millions of advanced votes were printed before the elections and put in the ballot boxes of the USDP candidates after the Election Day, just before vote tallies were announced. Then he proclaimed the victory of the USDP and now became the President. Again, the international community expressed disappointment, denounced the flawed elections, and continued to wait for future lies.

Now he's talking about good governance and clean government. I am surprised that the international community is still encouraged by what he said and is being hopeful. I am not going to blame Thein Sein for making lies, because it is what he usually does. I am just amazed to those who still want to be fooled again and again. Expecting Thein Sein to be someone who will keep his promise is the same as believing President Assad of Syria is a reformer.

NO TIME TO WAIT AND SEE

Over the years, we have seen a systematic pattern from the international community in responding to the situation in Burma. The regime makes some promises, the international community backs off the pressure, expects some positive changes to take place, explaining that they need to give the regime some times to implement what it had promised. When they realize that the regime failed to keep its promises, they just simply make statements or create sound bites of disappointment, and then prepare to hear another hollow promise. Instead of applying collective and effective pressure on the regime, the international community has wasted many years by waiting, hoping, dividing, debating, and doing nothing meaningful. Such an attitude needs to change.

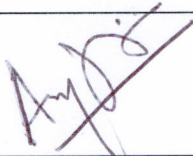
International pressure alone will not help Burma achieve freedom. The people of Burma are the ones who will have to write their own history and free their country from dictatorship. The stronger they are, the weaker the regime is, the nearer the victory. All we are asking is to help strengthen Burma's democracy movement by providing moral and material assistance as much as possible, and to weaken the regime by applying collective and effective pressure as strong as possible. Time is running out. We cannot wait and see.

The struggle for democracy and human rights by the people of Burma is still going on with countless sacrifices, painful memories, scar-filled bodies, and never-ending dreams of a peaceful and prosperous country. The changes they want, the dream they long for, the country they love, are not very far away. I believe they surely will achieve it one day. Thank you. ###

**United States House of Representatives
Committee on Foreign Affairs**

“TRUTH IN TESTIMONY” DISCLOSURE FORM

Clause 2(g) of rule XI of the Rules of the House of Representatives and the Rules of the Committee require the disclosure of the following information. A copy of this form should be attached to your written testimony and will be made publicly available in electronic format, per House Rules.

1. Name: Aung Din	2. Organization or organizations you are representing: U.S. Campaign for Burma
3. Date of Committee hearing: June 2, 2011	
4. Have <u>you</u> received any Federal grants or contracts (including any subgrants and subcontracts) since October 1, 2008 related to the subject on which you have been invited to testify? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	5. Have any of the <u>organizations you are representing</u> received any Federal grants or contracts (including any subgrants and subcontracts) since October 1, 2008 related to the subject on which you have been invited to testify? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
6. If you answered yes to either item 4 or 5, please list the source and amount of each grant or contract, and indicate whether the recipient of such grant was you or the organization(s) you are representing. You may list additional grants or contracts on additional sheets. 	
7. Signature: 	

Please attach a copy of this form to your written testimony.